



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1996

Ms. Karen L. Horner
Assistant City Attorney
City of Baytown
P.O. Box 424
Baytown, Texas 77522-0424

OR96-1494

Dear Ms. Horner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 27647.

The City of Baytown (the "city") has received a request for information relating to the collapse of bleachers at Baytown Lee High School. Specifically, the requestor seeks

any and all documents, including but not limited to, maintenance contracts, photographs, videotapes, purchase orders, contracts, design drawings, meeting minutes and notes, interoffice and intraoffice memoranda and notes, investigative records, inspection reports, inspection documents, and repair and maintenance records, related in any way to all bleachers located at Baytown Lee High School, and prepared at any time since the original construction of the school.

You advise us that the city has made some of the requested information available to the requestor. However, you have submitted to us for review as responsive to the request the Emergency Medical Services ("EMS") records of a person who was killed when the bleachers collapsed. You claim that section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code exempts the EMS records from required public disclosure.

Section 552.101 of the Government Code exempts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 773.091 of the Health and Safety Code provides:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

We do not understand any of the exceptions to confidentiality set forth in section 773.092 of the Health and Safety Code to apply in this instance. Accordingly, the city must withhold the requested information in its entirety under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Enclosures Submitted documents

Ref.: ID# 27647

cc: Mr. Steve A. Kamel
 Anderson & Kamel
 Two Memorial City Plaza
 820 Gessner, Suite 1550
 Houston, Texas 77024
 (w/o enclosures)